

ORDINANCE NO. 2002 - _____

AN ORDINANCE creating and providing for the organization, powers and governance of a public facilities district to be known as the “Clark County Public Facilities District” to explore the possible joint acquisition, construction, operation, and/or financing of one or more regional centers including related parking facilities with city or town public facilities districts located within the county; adding a new chapter 2.19 to title 2 of the Clark County Code.

WHEREAS, the Board of Clark County Commissioners (the “Board”) has determined that it is in the best interest of the County and its citizens to explore the possible financing, acquisition, construction, and operation of one or more regional centers as that term is defined by RCW 35.57.020 (“Regional Center”) located within the County to provide needed public facilities to serve local and regional business, community, family entertainment, youth, recreation and athletic organizations, to promote economic development and to further the revitalization of business, financial and commercial interests within the County; and

WHEREAS, Chapter 36.100 RCW (the “County PFD Act”) authorizes the County to create a public facilities district coextensive with the boundaries of the County for the purposes, among others, of financing, acquiring, constructing, and operating Regional Centers; and

WHEREAS, a Regional Center is defined in the County PFD Act and in RCW 35.57.020 as a convention, conference, or special events center (consisting of facilities available to the public and used for community events, sporting events, trade shows, and artistic, musical, theatrical, or other cultural events) or any combination of such facilities, and related parking facilities, serving a regional population constructed, improved or rehabilitated at a cost of at least ten million dollars (\$10,000,000), including debt service; and

WHEREAS, Chapter 35.57 RCW (the “City PFD Act”) authorizes any city or town located in a county with a population of less than one million to create a public facilities district; and

WHEREAS, the City of Vancouver has formed the Vancouver Public Facilities District pursuant to the City PFD Act for the purpose of developing a Regional Center, and has requested the County to form a public facilities district for the purpose of joining and assisting in developing the Vancouver Public Facilities District’s Regional Center; and

WHEREAS, the County is willing to form a public facilities district to undertake any lawful purpose including the study and potential financing, development and operation of a convention center in Vancouver in cooperation with the Vancouver Public Facilities District; and

WHEREAS, other cities or towns located within the County may yet form public facilities districts for the purpose of developing Regional Centers; and

WHEREAS, as authorized by the County PFD Act and RCW 82.14.390, and subject to certain restrictions, a public facilities district created by a County that commences construction of a new Regional Center before January 1, 2004 may impose solely for Regional Center

1 purposes, a 0.033 percent (0.033 of 1%) sales and use tax that is deducted from the amount of the
2 sales and use tax otherwise required to be collected and paid over to the Washington State
3 Department of Revenue under Chapter 82.08 and 82.12 RCW; and
4

5 WHEREAS, the Board of County Commissioners following consideration of testimony
6 at a duly noticed public hearing has determined that it is in the best interest of the County and its
7 citizens to create a public facilities district to assist in the planning, acquisition, construction,
8 operation, and financing of viable Regional Center projects located within Clark County;
9

10 NOW, THEREFORE, BE IT ORDAINED:
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12 Section 1. New Section. The following new chapter is added to Title 2 of the Clark County
13 Code:
14

15 **Chapter 2.19**

16 **Clark County Public Facilities District**

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18
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20 Sections:

21		
22	2.19.010	Creation and Purpose
23	2.19.020	Board of Directors
24	2.19.030	Powers, Duties and Limitations
25	2.19.040	Organization
26		

27 2.19.010 Creation and Purpose. Pursuant to Chapter 36.100 RCW (the “County PFD
28 Act”), there is hereby created a public facilities district which shall be called the Clark County
29 Public Facilities District (the “District”) coextensive with the boundaries of the County, with the
30 powers and authority set forth below. The District is established for the sole purpose of pursuing
31 the planning, financing, development, ownership and operation of a Regional Center, as that
32 term is defined by RCW 35.57.020 (“Regional Center”), individually or in cooperation with any
33 other public facility district as allowed by law.

34 The District is a municipal corporation, an independent taxing “authority” within the
35 meaning of Article VII, section 1 of the state constitution and a “taxing district” within the
36 meaning of Article VII, section 2 of the state constitution.
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38 2.19.020 Board of Directors. The Board shall consist of five members. Two of the
39 members of the Board shall be selected and appointed by the Board of County Commissioners
40 and two of the members shall be selected and appointed by the legislative authority of the City of
41 Vancouver. The members appointed by the County and the City shall select the fifth member of
42 the Board. The members shall serve four-year terms. The members appointed by the County
43 and the City shall serve staggered four-year terms provided, of the initial members, two shall be
44 appointed for two-year terms, and the remainder shall be appointed for four-year terms.

1 Vacancies shall be filled in the same manner as the original appointment and the person
2 appointed shall serve the remainder of the unexpired term of the position to which he or she was
3 appointed.

4 A director may be removed from office by a two-thirds vote of the body that appointed
5 the director to office.

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7 2.19.030 Powers, Duties and Limitations. The District shall have the following powers
8 and duties, subject to the following limitations:
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- 10 (1) to exercise those powers of a corporation for public purposes including, but not
11 limited to, the power to hire employees, staff, to enter into contracts, and sue and
12 be sued;
- 13 (2) to plan, finance, acquire, construct, own, remodel, maintain, equip, reequip,
14 repair, and operate Regional Centers;
- 15 (3) to enter into interlocal agreements under chapter 39.34 RCW for the joint
16 provision and operation of Regional Centers and the organization and operation of
17 the District;
- 18 (4) to contract with a public or private entity for the operation or management of its
19 public facilities;
- 20 (5) to impose charges and fees for the use of its facilities, and may accept and expend
21 or use gifts, grants, and donations;
- 22 (6) except as specifically provided in an interlocal agreement between the District
23 and the County, the District shall take no action that might impose liability upon
24 the County. All liabilities incurred by the District shall be satisfied exclusively
25 from the assets, credit, and properties of the District, and no creditor or other
26 person shall have any right of action against or recourse to the County, its assets,
27 credit, or services, on account of any debts, obligations, liabilities or acts or
28 omissions of the District;
- 29 (7) in the event that the District determines, that one or more joint Regional Center
30 project(s) located within the County is a viable project that is likely to begin
31 construction before January 1, 2004, the District shall impose all or a portion of
32 the sales tax authorized under RCW 82.14.390(1) in support pursuing the joint
33 development, ownership, operation and financing of such Regional Center(s);
- 34 (8) the District shall prepare, maintain and provide to the County a financial and
35 activities report not less than quarterly, and otherwise as directed by the County;
36 and
- 37 (9) to engage in those activities specified by the County PFD Act that are consistent
38 with this ordinance and any interlocal agreement it enters into with Clark County.
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40 2.19.040 Organization. The District shall maintain rules of procedure and governance of
41 its activities through its bylaws. The power to alter, amend, or repeal the bylaws or adopt new
42 bylaws shall be vested in the District, except the bylaws shall be consistent with this ordinance
43 and the any interlocal agreement entered into with the County.
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1 Section 2. Severability. If any section, sentence, clause, or phase of this ordinance should be
2 held invalid or unconstitutional by a court of competent jurisdiction such invalidity or
3 unconstitutionality shall not affect the validity of unconstitutionality of any other section,
4 sentence, clause, or phrase of this ordinance.

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6 Section 3. Effective Date. This ordinance shall go into effect immediately upon
7 adoption.

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12 ADOPTED this _____ day of _____, 2002.

13
14 ATTEST: CLARK COUNTY
15 Clark County, Washington

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17 _____
18 Clerk of the Board

17 _____
18 Chairperson

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21 Approved as to form only:

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23 _____
24 Deputy Prosecuting Attorney
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